

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO.8069/98

BETWEEN:

Chandrashekhara Siddappa Araballi,

r/o.'Vaibhav Nivas',

Anandapur, Hattargi,

Belgaum District-591 243.

.. PETITIONER

(Sri K.Gopal Hegde, Adv.)

AND:

1. Karnataka State Road Transport

Corporation,

Central Offices,

Post Bag No.2778, Shanthinagar,

Bangalore-27,

by its Managing Director.

2. The Chief Personnel Manager,

Member Secretary (Supervisory

Class 3 posts Selection Committee),

Karnataka State Road Transport

Corporation, Central Offices,

Post Bag No.2778, Shanthinagar,

Bangalore-27.

... RESPONDENTS.

(By Sri P.R.Ramesh, Adv.)

This writ petition is filed under Article 226 and 227 of the Constitution praying this Court to quash Annexure-A dated 11.3.98 and to direct the respondent to consider the case of the petitioner to one of the posts of Asst.Engineer under the General Merit category and to appoint him.

This petition coming on for preliminary hearing this day, the Court made the following:

**ORDER**

Pursuant to the advertisement dated 9.6.97 (Annexure-B) issued by the Karnataka State Road Transport Corporation, the petitioner had made an application for recruitment against the post of Assistant Engineer. The said application was filed on 15.7.97 As per the notification the eligibility requirements were prescribed as follows:

"(a) Must possess the degree in Civil Engineering from a University established by law in India or equivalent qualification;

(b) Experience of not less than three years in Civil Engineering Department of State Government Undertaking or in any Undertaking of repute."

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2. In the present case, no doubt, the petitioner was having the <sup>requisite</sup> educational qualification and as per the marks obtained by him he was a better candidate than the person qualified for interview but since he had failed to satisfy the eligibility requirement of three years minimum experience in Civil Engineering Department of State Government undertaking or in any other undertaking of ~~the~~ <sup>called</sup> ~~qualified~~ <sup>repute</sup>, he was not ~~qualified~~ for the interview. The clarification to the said effect was given to the petitioner by endorsement Annexure-A.

3. Sri Gopal Hegde, learned Counsel for the petitioner states that, admittedly the petitioner had, along with the application, filed two certificates, Annexures-G and H, which shows that he had worked with two undertakings during the periods April 1988 to September 1988 and then October 1988 to November 1990. But since as per the certificates he had an experience of only two and a half years, therefore he was declared ineligible for <sup>being</sup> ~~called~~ <sup>called</sup> for interview which was fixed in the ratio of 1 : 5. After communication of Annexure-A, the petitioner filed a certificate on 29.12.1997 obtained from one K.Duraiswami, Class I Contractor, which is to the following effect:

WORK DONE CERTIFICATE

This is to Certify that Sri Chandrashekhar Araballi, B.E.(Civil) was working as a Consulting Civil Engineer in my firm during period December 1990 to July 1992. He was helping me in filing tenders as well as in the execution of

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various civil works.

He was good, capable, hardworking. He deserves all sorts of encouragement."

4. Respondents have refused to give any credence to the said certificate on the ground that the same has been filed belatedly <sup>since</sup> ~~nonetheless~~ by that time interview letters ~~had~~ already been issued to the candidates who were found to be qualified both as per the academic qualification and experience.

5. In my opinion the stand taken by the respondents cannot be said to be in any way arbitrary or illegal since the petitioner had failed to <sup>satisfy</sup> ~~certify~~ the eligibility <sup>requirements by</sup> ~~qualification~~ at the time of consideration for interview by the Corporation. So far as <sup>the</sup> ~~subsequently~~ produced certificate is concerned, to my mind in the present state of affairs such certificates can always be obtained with a little effort. Neither in the certificate nor in the writ petition it has been stated that the petitioner had worked with the said K.Duraiswamy and in what capacity. <sup>the</sup> ~~the petitioner had worked.~~

6. For the above reasons I do not find any good ground to interfere with the writ jurisdiction. Writ petition is accordingly dismissed.

Sd/-  
JUDGE

